

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

LISA MINTON,)	
)	
PLAINTIFF,)	
)	CIVIL ACTION NO.
v.)	1:05-CV-878-VPM
)	
TRUMBULL BOTTLED WATER,)	JURY TRIAL DEMAND
INC., d/b/a CULLIGAN OF THE)	
WIREGRASS,)	
)	
DEFENDANT.)	

**PLAINTIFF'S MOTION FOR CONTINUANCE OF DISCOVERY
OR LEAVE OF COURT TO TAKE DEPOSITIONS
AND
MOTION FOR CONTINUANCE OF PRE-TRIAL CONFERENCE**

COMES NOW, Plaintiff Lisa Minton, by and through undersigned counsel, and moves this Honorable Court for the following: (1) a continuance of discovery or leave of court to take the depositions of Pete Rawlins and Jay Trumbull; and (2) a continuance of the pre-trial conference on June 28 (the motion for continuance of the pre-trial conference is unopposed by counsel for defendant).

**MOTION FOR CONTINUANCE OF DISCOVERY OR
LEAVE OF COURT TO TAKE DEPOSITIONS**

Plaintiff moves the court for leave to take the depositions of Pete Rawlins and Jay Trumbull. As grounds for said motion Plaintiff states that counsel for Plaintiff was under the impression that all deadlines were continued pending the status of Judge Coody's participation. The depositions of Rawlins and Trumbull have not been taken in this case because of the following: (a) scheduling

conflicts; (b) Plaintiff has had ongoing negotiations regarding settlement and was hoping to reach settlement without spending the additional costs of taking depositions; and (c) the indefinite continuance of the case because of Judge Coody's disqualification.

Counsel for Plaintiff has had numerous discussions with counsel for defendant regarding depositions and had, at least on one occasion, scheduled the depositions of Pete Rawlins and Jay Trumbull. However, because of scheduling conflicts, such depositions were to be rescheduled. Furthermore, counsel for Plaintiff and Defendant have had ongoing negotiations regarding possible settlement, however settlement was never reached. More importantly, for purposes of this motion, while negotiations were continuing, and prior to the rescheduling of the depositions, Judge Coody had to indefinitely continue the case. Counsel for Plaintiff was under the impression that due to Judge Coody's potential disqualification, the docket and any deadlines were being indefinitely continued until a decision was made on Judge Coody's disqualification. Counsel for Plaintiff believed that Judge Coody was going to enter a new scheduling order regarding discovery deadlines and the deadline to respond to defendant's motion for summary judgment. In fact, counsel for Plaintiff called Judge Coody's office on more than one occasion and was told that Judge Coody would eventually enter a scheduling order regarding summary judgment.¹ However, Judge Coody was eventually removed from the case a new scheduling order was never entered.

WHEREFORE, Plaintiff respectfully requests that the Court continue discovery or grant leave to allow counsel for Plaintiff take the depositions of Pete Rawlins and Jay Trumbull at the earliest convenience of all parties.

¹In another case in which counsel for Plaintiff is involved in with Judge Coody presiding, both parties waived judicial disqualification and counsel for Plaintiff was informed by Judge Coody's office that the Judge would enter a new scheduling order for all deadlines. Plaintiff was under the impression the same would be done for this case.

**UNOPPOSED MOTION FOR CONTINUANCE OF THE
PRE-TRIAL CONFERENCE DATE**

Plaintiff also moves the Court for a continuance of the pre-trial conference date of June 28, 2006 (pursuant to this Court's order of 6/20/2006; Doc. #29). Counsel for Plaintiff is already scheduled to participate in an Arbitration in the matter of *Alan M. Johnson v. Sonic Williams Lexus, LLC d/b/a Tom Williams Lexus*; Case No. 30 160 01115 05. Plaintiff has spoken with counsel for Defendant who is unopposed to the granting of a continuance of the pre-trial conference date.

WHEREFORE, Plaintiff respectfully requests that the Court grant a continuance of the pre-trial conference date of June 28, 2005 until another date convenient to the Court.

Respectfully submitted,

/s/ Joshua D. Wilson
C. Michael Quinn
Joshua D. Wilson

Attorneys for Plaintiff

OF COUNSEL:

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CERTIFICATE OF SERVICE

I do hereby certify that on this the 20th day of June, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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